

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, Individually,

Plaintiff,

v.

COPLEY PLAZA 2001, LLC, a Delaware
Limited Liability Company,

Defendant.

CIVIL ACTION NO.

1:04-CV-12076-JLT

**PLAINTIFFS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES
AND COMPLIANCE WITH REQUEST FOR PRODUCTION**

Plaintiff, **GEORGE IVERSON**, by and through his undersigned attorneys, pursuant to the provisions of Rule 37 of the Federal Rules of Civil Procedure, move this Court to compel the Defendant, **COPLEY PLAZA 2001, LLC**, a Delaware Limited Liability Company, to answer Plaintiffs First Set of Interrogatories and to produce documents pursuant to Plaintiff's First Request for Production, copies of both discovery documents are being attached hereto as composite Exhibit A and B respectively, and support of the Motion, state:

1. Plaintiffs served the attached Interrogatories and Request for Production upon the Defendants on March 18, 2005.
2. Thereafter, Discovery was stayed pursuant to various orders of this Court.
3. On September 12, 2005, this Court issued an Order holding in paragraph 1 thereof, that all Discovery shall be completed by November 30, 2005.
4. Defendant has neither objected to nor complied to the Discovery propounded as to this date.

Certificate of Good Faith

5. John Fuller, of the Law Firm of Fuller, Fuller & Associates, P.A., the lead counsel for the Plaintiff has discussed this matter several times with Ron Allen of the Law Firm of Morgan, Brown & Joy, LLP., Defendant's counsel, who continuously claims that he is working with his client to provide the requested information. A written request was also sent out to Mr. Allen on October 11, 2005.

Memorandum of Law

Because the Request for Production and Interrogatories were not objected to or responded to, and are within the contemplation of Rule 37 of the Federal Rules of Civil Procedure, the Court should grant the relief requested herein, particularly since the matter is scheduled for trial for the trial period beginning January 23, 2006.

WHEREFORE, Plaintiff requests this Court enter an Order compelling the defendants to comply with the outstanding discovery request of the Plaintiff, and any further relief this Court deems necessary and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-mailed on November 14, 2005 to:

Robert P. Joy, Esq.
Ronald S. Allen, Esq.
Morgan Brown & Joy
1 Boston Place, Suite 1616
Boston, MA 02108

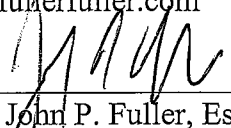
The Plaintiff by his attorney:

Respectfully Submitted,

Jay M. Rosen, Esq.
SCHLOSSBERG & ASSOCIATES, P.C.
35 Braintree Hill, Suite 303
Braintree, MA 02185

FULLER, FULLER & ASSOCIATES, P.A.
12000 Biscayne Blvd., Suite 609
North Miami FL 33181
Tel.: (305)891-5199; Fax: (305)893-9505
FFA@fullerfuller.com

By: _____


John P. Fuller, Esquire - PRO HAC VICE
Oliver Wragg, Esq. (BBO #643152)
Of Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, Individually,

Plaintiff,

v.

COPLEY PLAZA 2001, LLC, a Delaware
Limited Liability Company,

Defendant.

.
.
.
.
.
.
.
.
.
.
.

CIVIL ACTION NO.
1:04-CV-12076-JLT

**ORDER ON PLAINTIFFS' MOTION TO COMPEL ANSWERS TO
INTERROGATORIES AND REQUEST FOR PRODUCTION**

THIS CAUSE having come on to be heard before me on Plaintiff's Motion to Compel, and the Court being fully advised in the premises, it is hereby ordered and adjudged as follows:

1. Plaintiff's Motion to Compel Defendants' to Answer Interrogatories and Comply with Request for Production, is granted.
2. Defendants' shall have ten (10) days from the date of this order in which to answer the Interrogatories and comply with the Request for Production.

DONE and ORDERED in Chambers at _____ on this _____ day of _____, 2005.

UNITED STATES DISTRICT JUDGE

Copies furnished to:

John P. Fuller, Esq.

Jay M. Rosen, Esq.

Robert P. Joy, Esq